

CHAPTER 50: SEWERS

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"B.O.D." Biochemical Oxygen Demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million (milligrams per liter) by weight.

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER." A sewer receiving both surface runoff and sewage.

"DOMESTIC SEWAGE." Waste and wastewater from humans or household operations that is discharged to or otherwise enters a sewage works.

"GARBAGE." Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDIRECT DISCHARGE." The introduction of pollutants into the sewage works from any non-domestic source regulated under section 307 (b), (c), or (d) of the Clean Water Act of 1977.

"INDUSTRIAL USER." An indirect discharger pursuant to 327 IAC 5-1.5-25.

"INDUSTRIAL WASTES." The liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process.

"INSPECTOR." The person duly authorized by the town, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.

"INTERFERENCE." A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

(1) Inhibits or disrupts the sewage treatment plant, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.

(2) Causes a violation of any requirement of the NPDES permit, including an increase in the magnitude or duration of a violation.

(3) Prevents the use of the sewage treatment plant sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

(a) Section 405 of the Clean Water Act (33 U.S.C. 1345).

(b) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:

(i) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and

(ii) The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).

(c) The Clean Air Act (42 U.S.C. 7401).

(d) The Toxic Substances Control Act (15 U.S.C. 2601).

"NATURAL OUTLET." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

"NPDES PERMIT." National Pollutant Discharge Elimination System Permit which sets the condition for the discharge for any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act, Public Law 95-217.

"PASS THROUGH." A discharge proceeding through the sewage treatment plant into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude of duration of a violation).

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"PRETREATMENT." The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by 40 CFR 403.6(d).

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch in any dimension.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"SANITARY SEWER." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"SEWAGE." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm waters as may be present.

"SEWAGE TREATMENT PLANT." Any arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS." All facilities for collecting, pumping, treating, and disposing of sewage.

"SEWER." A pipe or conduit for carrying sewage.

"STORM SEWER" or "STORM DRAIN." A sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial wastes.

"SUPERINTENDENT." The Superintendent of the Municipal Sewage Works of the town or his or her authorized deputy agent or representative.

"SUSPENDED SOLIDS." Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"TOWN." The Town of Edinburgh.

"WASTEWATER." Liquid or water-carried wastes from industrial, municipal, agricultural, or other sources.

"WATERCOURSE." A channel in which a flow of water occurs, either continuously or intermittently.

('83 Code, § 2-1) (Am. Ord. 2007-7, passed 6-11-07)

#### § 50.02 DAMAGE TO SEWAGE WORKS PROPERTY PROHIBITED.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

('83 Code, § 2-6) Penalty, see § 50.999

#### CONNECTION REQUIREMENTS

#### § 50.15 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage. ('83 Code, § 2.2(c))

(B) Where a public sanitary or combined sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the State Board of Health.

(1) At such time as a public sewer becomes available to a property served by a private sewer disposal system as provided in this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned in accordance with the requirement of the State Board of Health.

(2) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(C) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local health officer.

('83 Code, § 2.3) (Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

#### § 50.16 WHEN CONNECTION TO PUBLIC SYSTEM REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so.

('83 Code, § 2.2(d)) (Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

#### § 50.17 BUILDING SEWERS; PERMITS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application on a special form furnished by the town. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation.

(D) A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building the whole considered as one building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this chapter.

(F) The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than six inches. The slope of the six-inch pipe shall not be less than one-eighth-inch per foot.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade between the building sewer and the main sewer, insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

(H) In all buildings in which any building drain is too low to permit flow to the public sewer, sanitary sewage carried by the drains shall be fitted by approved artificial means and discharged to the building sewer. No water-operated sewer ejector shall be used.

(I) All excavations required for the installation of a building sewer shall be open trench work. Pipe laying and backfill shall be performed in accordance with ASTM specifications; however, no backfill shall be placed until the work has been inspected by the Inspector or his or her representative.

(J) All joints and connections shall be made gastight and watertight. This shall be verified by air pressure testing.

(K) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if the branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located "Y" branch is available, the town shall at its expense install a "Y" branch in the public sewer at the location specified by the Inspector. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer with entry in the downstream direction at an angle of about 45 degrees. A 45 degree ell may be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. This connection will be made by the town.

(L) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to and under the inspection of the town.

(M) All sewer work shall be installed so that the maximum infiltration in 24 hours shall comply with ASTM specification Designation C-12-54. ('83 Code, § 2.4) (Am. Ord. 2005-7, passed 9-12-05; Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

#### CROSS-CONNECTIONS

##### § 50.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CROSS-CONNECTION." Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the town water system and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of the flow depending on the pressure differential between the two systems.

(Ord. 1993-2, passed 4-12-93)

##### § 50.21 CROSS-CONNECTIONS; INTERCONNECTIONS.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private auxiliary or emergency water supply other than the regular public water supply of town may enter the supply or distribution system of the municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the town water utility and by the State Department of Environmental Management with 327 IAC 8-10.

(Ord. 1993-2, passed 4-12-93; Am. Ord. 2007-7, passed 6-11-07)

##### § 50.22 INSPECTION.

It shall be the duty of the Town Municipal Utilities to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Town Municipal Utilities.

(Ord. 1993-2, passed 4-12-93)

##### § 50.23 RIGHT OF ENTRY.

Upon presentation of credentials, the representative of the Town Municipal Utilities shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of town for cross-connections. On request, the owner, lessees, or occupant



of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.

(Ord. 1993-2, passed 4-12-93)

§ 50.24 DISCONTINUANCE OF SERVICE.

(A) The Town Municipal Utilities is authorized and directed to discontinue water service to any property wherein any connection in violation of this subchapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to the property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this subchapter.

(B) If it is deemed by the Town Municipal Utilities that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Town Clerk and delivered to the customer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of such emergency discontinuance.

(Ord. 1993-2, passed 4-12-93)

§ 50.25 BACKFLOW PREVENTERS.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location and not subject to flooding or freezing.

(Ord. 1993-2, passed 4-12-93)

§ 50.26 SUBCHAPTER SUPPLEMENTARY TO STATE PLUMBING CODE.

This subchapter does not supersede the State Uniform Plumbing Code or Ord. 1988-4, but is supplementary to them.

(Ord. 1993-2, passed 4-12-93)

DISCHARGE REGULATIONS

§ 50.30 DEPOSITS OF GARBAGE OR WASTES ON PUBLIC, PRIVATE PROPERTY.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage, or other objectionable waste.

('83 Code, § 2.2(a)) Penalty, see § 50.999

§ 50.31 DISCHARGE OF STORM WATER, UNPOLLUTED DRAIN WATER.

Storm water and all other unpolluted drainage shall be discharged to the sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent of Sewage Works. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent to a storm sewer, combined sewer, or natural outlet. ('83 Code, § 2.5(b)) Penalty, see § 50.999

§ 50.32 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any wastewater having a temperature which will inhibit biological activity in the sewage treatment plant resulting in interference or damage, but in no case wastewater with a temperature at the introduction into the sewage works which exceeds 40°C (104°F).

(2) Any water or waste which may contain more than 100 parts per million (milligrams per liter), by weight, of fat, oil, or grease.

(3) Any water or waste which may contain more than 25 parts per million (milligrams per liter), by weight, of soluble oils.

(4) Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin in an amount that could cause interference or pass through of the sewage treatment plant.

(5) Any liquids, solids, or gases which by reason of their nature of quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the sewage treatment plant. This includes but is not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas. And in no case, pollutants with a closed cup flashpoint of less than 140°F (60°C) or pollutants which cause an exceedence of 10% of the lower explosive limit (LEL) at any point within the sewage treatment plant. Using test methods specified in 40 CFR 261.21.

(6) Any garbage that has not been properly shredded.

(7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(8) Any waters or wastes having a pH lower than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(9) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or result in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems, or create any hazard in the receiving waters of the sewage treatment plant, as determined by the town.

(10) Any waters or wastes containing suspended solids, or other solid or viscous pollutant, of a character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant, as determined by the town.

(11) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(12) Any trucked or hauled pollutants except at discharge points designated by the town in accordance with § 50.27.

(13) Any colored discharge or a pollutant from any non-domestic wastewater that causes interference or pass through of the sewage treatment plant.

(14) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration that could cause interference of the sewage treatment plant.

(C) The town reserves the right to set limits on any of the above pollutants contributed by an industrial user that has caused or is likely to cause interference or pass through at the receiving sewage treatment plant, as well as the recurrence of the contributed pollutant's affect on the sewage treatment plant.

(D) The town has the legal authority to: develop and enforce specific limits on any prohibited substance as defined in this chapter; accept or deny any new or increased discharges from any indirect discharger; immediately halt or prevent any discharge or pollutants to the sewage works which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the sewage works; require compliance with all applicable pretreatment standards and requirements by indirect dischargers; and impose fees, if necessary, to offset the cost incurred by the town for administering the pretreatment program requirements.

('83 Code, § 2.5(a), (c)) (Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

#### § 50.33 TREATMENT OF CERTAIN DISCHARGES REQUIRED.

(A) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial waste, or other polluted waters, unless suitable treatment has been provided in accordance with provisions of this subchapter. ('83 Code, § 2.2(b))

(B) The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 400 parts per million (milligrams per liter) by weight; or containing more than 450 parts per million (milligrams per liter) by weight of suspended solids; or containing more than 40 parts per million (milligrams per liter) by weight of ammonia-as-nitrogen; or containing any quantity of substances having the characteristics described in § 50.32; or having an average daily flow greater than 1% of the average daily sewage flow of the town, shall be subject to the review and approval of the Superintendent.

(C) Where necessary in the opinion of the Superintendent, the discharger shall provide at his or her expense the pretreatment of sewage as may be necessary to reduce the biochemical oxygen demand to 400 parts per million (milligrams per liter), suspended solids to 450 parts per million (milligrams per liter) by weight and ammonia-as-nitrogen to 40 parts per million (milligrams per liter) or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 50.32 or control the quantities and rates of discharge of the waters or wastes.

(D) At the discretion of the Superintendent, where discharge of sewage has the strength or concentrations greater than allowed in division (C) of this section, the discharge may be allowed but shall be subject to the surcharge as described in § 50.58. At no time shall any water or waste be discharged to the public sewer having a five-day biochemical oxygen demand greater than 1,000 parts per million (milligrams per liter) by weight; or containing greater than 1,000 parts per million (milligrams per liter) by weight of suspended solids; or containing more than 100 parts per million (milligrams per liter) by weight of ammonia-as-nitrogen. An exceedence of these limits constitutes a violation of this chapter and a fee shall be assessed in an amount not less than \$250 and not exceeding \$500 for each violation. Each day in which any such violation continues may be deemed as a separate offense. The abovementioned fee is in addition to any surcharge fee described in § 50.58(B).

(E) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Indiana Department of Environmental Management (IDEM), and no construction of the facilities shall be commenced until the approval is obtained in writing.

(F) Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (83 Code, § 2.5(f), (g))

(G) In accordance with § 50.75 the town may perform inspections and/or sample and analyze the discharge of industrial users for parameters necessary to achieve and/or maintain compliance with the town's NPDES permit or to determine compliance with this chapter. The town's cost for inspections, sampling and analysis shall be chargeable to the industrial user.  
(Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

#### § 50.34 GREASE, OIL, AND SAND INTERCEPTORS.

(A) Grease, oil, and sand interceptors shall be provided when in the opinion of the Superintendent of Public Works, they are necessary for the

proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients. However, the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(C) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

('83 Code, § 2.5(d), (e)) Penalty, see § 50.999

#### § 50.35 CONTROL MANHOLES.

When required by the Superintendent of Public Works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurements of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be maintained by him so as to be safe and accessible at all times.

('83 Code, § 2.5(h)) Penalty, see § 50.999

#### § 50.36 SPECIAL ARRANGEMENTS FOR PROBLEM DISCHARGES.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment subject to payment therefore by the industrial concern.

('83 Code, § 2.5(j))

#### § 50.37 ADOPTION OF "STANDARD METHODS FOR THE EXAMINATION OF WATER AND SEWAGE."

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in § 50.35 or upon suitable samples taken at the control manhole. In the event no special manhole has been required, the control manhole in the public sewer to the point at which the building sewer is connected shall be used.

('83 Code, § 2.5(i))

#### § 50.38 PROHIBITIVE DISCHARGE STANDARDS.

(A) All prohibited discharges listed in § 50.32 and as amended shall apply to this subchapter.

(B) (1) No industrial user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values:

<u>Constituent</u>	<u>Concentration (mg/L)</u>
Arsenic	0.2
Cadmium	0.2
Chromium - total	2.0
Chromium - hexavalent	2.0
Copper	0.7
Iron	15.0
Mercury	0.004
Molybdenum	0.1
Nickel	2.0
Silver	2.0
Zinc	4.0
Cyanide	1.0
Phenols	25.0

(2) The town may impose mass limitations on dischargers if it is believed that dilution is being used to meet the pretreatment standards or requirements of this chapter. These standards do not override other, more stringent standards established by federal or state agencies or departments. The town will enforce applicable federal, state, and local standards and regulations. A discharger of industrial wastewater shall meet the most stringent applicable standard in all cases.

(C) Dilution.

(1) Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes in order to meet the standards set forth herein. Rather, it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility and economic reasonableness. To determine what kind of treatment is the "best degree of treatment" within the meaning of this division, a person shall consider the following:

(a) What degree of waste reduction can be achieved by process change, improved housekeeping, and recovery of individual waste components for reuse; or

(b) Whether individual process wastewater streams should be segregated or combined.

(2) Measurement of contaminant concentrations to determine compliance with the effluent standards set forth herein shall be made at the point of discharge to the town's sewage works.

(D) Background concentrations. Because the effluent standards set forth herein are based upon concentrations achievable with conventional treatment technology that is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting

background concentrations. However, it is not the intent of these regulations to require users to clean up contaminations caused essentially by upstream sources or to require treatment when only traces of contaminants are added to the background. Compliance with the numerical effluent standards is therefore not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste.

(E) Sampling. Any person subject to reporting requirements of this chapter shall submit the results of the sampling and analysis in accordance with 40 CFR 403.12 (b)(5). Except as otherwise specifically provided, compliance with the numerical standards set forth herein shall be determined on the basis of 24-hour composite samples. If sampling performed by an industrial user indicates a violation, the user shall notify the Superintendent and IDEM within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent and IDEM within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent and IDEM monitors at the user's facility at least once per month, or if the Superintendent and IDEM samples between the user's initial sampling and when the user receives the results of this sampling.  
(Ord. 2007-7, passed 6-11-07)

#### § 50.39 CERTAIN DISCHARGES TO BE APPROVED.

If any sewage is discharged, or proposed to be discharged to the sewage works which contains the substances or possesses the characteristics enumerated in §§ 50.31 through 50.39, and which in the judgment of the town or Superintendent, may have a deleterious effect upon the wastewater treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town may in writing, reject the waters, require pretreatment to an acceptable condition prior to discharge to the sanitary sewers, require flow equalization of the rate of discharge, or require payment to cover the added cost of handling and treating the wastes not covered by the existing sewer service charges. If the town permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the Indiana Department of Environmental Management (IDEM) for review and approval. Such plans and specifications shall also be subject to review and approval by the town, before construction of the facility. The review of such plans and specifications will in no way relieve that person from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the town, under the provisions of this subchapter. Any subsequent changes in the pretreatment facilities shall be reported to and be acceptable to the town.  
(Ord. 2007-7, passed 6-11-07)

#### § 50.40 HAULED WASTEWATER.

No trucked or hauled pollutant or wastewater shall be allowed to be introduced into the sewage works or disposed of at the plant.  
(Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

§ 50.41 CATEGORICAL PRETREATMENT STANDARDS.

The categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.  
(Ord. 2007-7, passed 6-11-07)

## RATES AND CHARGES

§ 50.50 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"INDUSTRIAL WASTES." The liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process.

"SANITARY SEWAGE." The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(Ord. 1984-111, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01)

§ 50.51 RATES BASED ON QUANTITY OF WATER USED.

(A) For the use of and the service rendered by the sewage works, fees and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town.

(B) These fees and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows. Except as herein otherwise provided, sewage fees and charges shall be based upon the quantity of water used on or in the property or premises subject to the fees and charges, as measured by the water meter there in use.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01)

§ 50.52 SANITARY SEWAGE TREATMENT PLANT CHARGE.

There shall be a sanitary sewage treatment plant charge for the purpose of recovering capital and operating costs of the sewage treatment plant in the amount of: effective January 1, 2005 and thereafter, \$4.64 per 1,000 gallons of sewage discharge as measured by the water meter.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2003-8, passed 12-29-03; Am. Ord. 2007-7, passed 6-11-07)

§ 50.53 FLAT FEE CHARGE.

(A) In addition to the sewage treatment plant charge as set forth in § 50.52 and the connection fees described in § 50.60, there shall be a flat fee charge in an amount sufficient to recover the costs of installation and operation of a collection system, sewer tap fees and the cost of billing and



collection sewage service charges. The following flat fee charges shall be based upon the water meter size.

<u>Water Meter Size (Inches)</u>	<u>Phase II Monthly Charge Effective 1-1-05</u>	<u>Sewer Tap Fees</u>
5/8	\$11.23	\$ 500.00
3/4	14.30	750.00
1	20.76	1,000.00
1-1/4	30.18	1,250.00
1-1/2	36.64	1,500.00
2	55.70	1,750.00
3	100.09	2,000.00
4	163.64	2,250.00
6	322.30	2,500.00

(B) Any municipal sewage works customer that is situated outside the town corporate limits shall be required to pay a monthly fee in the amount of \$50. This fee shall be in addition to the sewage treatment charge of \$4.64 per 1,000 gallons of sewage discharged as measured by the water meter, the flat fee charge for the cost of installation and operation of the in-town collection system, and the cost of billing and collecting sewage service charges, as provided in this subchapter.

(C) Extra charges based on the strength of the sewage and liquid wastes shall be made. Refer to § 50.58.

(D) Billing for sewage charges shall be made monthly or a period equaling a month.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 1990-6, passed 11-13-90; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2003-8, passed 12-29-03; Am. Ord. 2007-7, passed 6-11-07)

§ 50.54 RATES PAID BY TOWN.

The town shall be subject to the same fees and charges as hereinbefore provided, or to charges and fees established in harmony therewith. In addition to the foregoing charges to the town the town shall pay to the sewage works, for the processing and disposing of a portion of waste developed through surface drains, an amount not less than \$65,000 per annum.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

§ 50.55 RATES IF WATER OBTAINED FROM SOURCE OTHER THAN TOWN.

(A) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the town in such manner as the town shall elect, and the sewage treatment service may be billed at the appropriate charges set forth above.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, excluding domestic sewage users, either directly or

indirectly, is not a user of water supplied by the town's waterworks and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the town, then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices, or an adequate and approved method of measurement acceptable to the town for the determination of the sewage discharge.

(C) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, excluding domestic sewage users, either directly or indirectly, is a user of water supplied by the town's waterworks, and in addition uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01)

§ 50.56 USERS OF WATER IN EXCESS OF 20,000 GALLONS PER MONTH.

In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, and uses water in excess of 20,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01)

§ 50.57 TWO OR MORE USERS USING SINGLE METER.

(A) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each case, for billing purposes, the quantity of water used shall be billed and the flat fee quarterly charge shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01)

(B) (1) For the purpose of this division, "DWELLING UNIT" shall mean a room or rooms or any other space or spaces in which cooking facilities are provided.

(2) In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case billing for the quantity of water used shall be in the manner set out elsewhere herein, and the base rate monthly charge shall

be applied to each dwelling unit (in addition to the monthly water usage charge) served through the single water meter. In the case of mobile home parks the number of dwelling units shall be computed and interpreted as the total number of mobile homes located and installed in the park plus any other dwelling units served through the meter.

(Ord. 1979-19, passed 11-13-79; Am. Ord. 2007-7, passed 6-11-07)

§ 50.58 CERTAIN RATES MODIFIED DUE TO STRENGTH, CHARACTER OF DISCHARGE.

(A) In order that the fees and charges may be justly and equitably adjusted to the service rendered, the town shall base its charges not only on the volume, but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The town shall require the owner or other user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in a manner and by the method as the town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The owner or other user shall furnish a central sampling point available to the town at all times.

(B) Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

(1) Fee surcharge based upon suspended solids. There shall be an additional charge of \$.20 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of suspended solids in excess of 200 milligrams per liter of fluid.

(2) Fee surcharge based upon BOD. There shall be an additional charge of \$.20 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of biochemical oxygen demand in excess of 200 milligrams per liter of fluid.

(3) Fee surcharge based upon ammonia-as-nitrogen. There shall be an additional charge of \$.20 per 1,000 gallons of flow for each ten milligrams, or fraction thereof, of ammonia-as-nitrogen in excess of 30 milligrams per liter of fluid.

(C) To determine the strength of the sewage and wastes, samplings and analysis shall be made from time to time whenever it is deemed desirable by the town.

(D) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

§ 50.59 SPRINKLING LAWNS.

(A) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of July,

August, and September, the billing for treatment plant sewage services for residences and domestic users for the months of July, August, and September shall be based on the water usage for the previous months of October, November, and December. In the event the water usage for the previous months of October, November, and December is greater than the water usage for the months of July, August, and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is rendered.

(B) Domestic and residential sewage service, as applicable to the sprinkling charge, shall not apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The sprinkling charge shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter. In this case, the water usage registered by the water meter serving the portion of the premises used for residential purposes, would qualify under the sprinkling charge.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

§ 50.60 CONNECTION CHARGES; METER TAP FEE FOR SEWER HOOK-UP.

(A) The owner of any lot, parcel of real estate, or building connecting to the sewage works more than 90 days following completion of construction of the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$500 for each residential connection and \$2,500 for each commercial or industrial connection, which charge the Town Council now finds to be a reasonable and equitable pro rata cost of construction of a local or lateral sewer adequate to serve the property.

(B) The Town Utility Manager shall have the discretion to waive the connection charge described in division (A) upon the receipt of an application made in writing by the owner of any lot, parcel of real estate, or building connecting to the sewage works, made to the Town Utility Manager within 90 days prior to the commencement of the construction of the sewage works. The written application submitted by the owner must describe the subject property, the scope of the construction of the sewage works, and the reasons for requesting the connection charge.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07; Am. Ord. 2013-2, passed 2-25-13)

§ 50.61 BILLING.

(A) The fees and charges shall be prepared and billed by the town monthly as the town may deem appropriate and as determined by the by-laws and regulations of the town as hereinafter provided for, and shall

be collected in the manner provided by law and ordinance. Except for multiple unit customers such as apartments and mobile home courts, the fees and charges will be billed to the tenant occupying the property served unless otherwise requested in writing by the owners, but the billing shall in no way relieve the owner from liability in the event payment is not made as herein required.

(B) The owners of the properties served which are occupied by tenants, shall have the right to examine the collection records of the town for the purpose of determining whether the fees and charges have been paid by the tenants, provided that the examination shall be made in the office in which the records are kept and during the hours that the office is open for business.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

#### § 50.62 SPECIAL RATES OR PROHIBITIONS.

The town is hereby authorized to prohibit dumping of wastes into the town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of the wastes to reduce the characteristics of the waste satisfactory to the town.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

#### § 50.63 AUTHORITY OF TOWN TO ENFORCE FURTHER REGULATIONS.

The town shall make and enforce any by-laws and regulations as may be deemed necessary for the safe, economic, and efficient management of the town sewer system, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating, and refunding of fees and charges.

(Ord. 1984-11, passed 5-11-84; Am. Ord. 2001-11, passed 8-6-01; Am. Ord. 2007-7, passed 6-11-07)

#### § 50.64 DEPOSIT FOR CONNECTION OR RECONNECTION.

(A) The owners, lessees, or users of property to be connected or reconnected to the sewage works of the town ("depositor") shall pay a deposit of \$40 prior to being connected or reconnected thereto, as the case may be.

(B) The Clerk-Treasurer shall retain all deposits collected pursuant to this section in a separate fund to be established and maintained by the Clerk-Treasurer. The Clerk-Treasurer shall maintain a record of each depositor that shows the name of the depositor, the date the deposit was made, the current address of the depositor, and such other information as the Clerk-Treasurer, with the advice of the town's financial adviser, deems necessary to retain said deposits in accordance with the provisions of this section and IC 36-9-23.

(C) The Clerk-Treasurer shall refund the deposit, less any outstanding penalties and service fees, to the depositor after receiving a notarized statement from the depositor that as of a certain date the property being served:

- (1) Has been conveyed or transferred to another person; or
- (2) No longer uses or is connected with any part of the sewage works of the town.

Any statement under subdivision (1) must include the name and address of the person to whom the property is conveyed or transferred. The town will not pay interest on any deposit.

(D) If a depositor fails to satisfy costs and fees within 60 days after the termination of his/her use or ownership of the property served, he/she forfeits his/her deposit and all accrued interest. The Clerk-Treasurer shall apply the forfeited amount to the depositor's outstanding fees. Any excess that remains due after application of the forfeiture may be collected in the manner prescribed by IC 36-9-23. A deposit may be used to satisfy all or part of a judgment awarded to the town under IC 39-9-23-31 or 39-9-23-32.

(E) A deposit that has remained unclaimed by the depositor for more than seven years after termination of the services for which the deposit was made becomes the property of the town.  
(Ord. 2002-8, passed 9-9-02; Am. Ord. 2007-7, passed 6-11-07)

§ 50.65 RESPONSIBILITIES RELATED TO SEWER TAPS.

(A) The Town of Edinburgh Waste Water Utility Department will be responsible for the installation, maintenance and repairs of all sewer mains and the installation of the taps into the sewer main which includes locating and opening the sewer main, supply of materials required to create the tap and installation of the same.

(B) The property owner will be responsible for the installation of all sewer laterals including excavation and materials. The property owner will be responsible for all costs related to installation, maintenance and repairs to sewer laterals.  
(Ord. 2013-2, passed 2-25-13)

## ADMINISTRATION AND ENFORCEMENT

§ 50.75 AUTHORIZED ENTRY UPON PROPERTY.

(A) The Superintendent, Inspector, and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. ('83 Code, § 2.7)

(B) The Superintendent, Inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter the premises of any industrial user to conduct inspections, surveillance, record review, and/or monitoring, as necessary to determine compliance with this chapter and, if applicable, any effective industrial wastewater pretreatment permit.  
(Ord. 2007-7, passed 6-11-07)

§ 50.76 VIOLATIONS PROCEDURE.

(A) The town may terminate or cause to be terminated wastewater service to any person or industrial user if a violation of this subchapter except § 50.02 is found to exist or if a discharge of wastewater causes, or threatens to cause a condition of contamination, pollution, or nuisance as defined by this subchapter, regulations of the Indiana Department of Environmental Management, or the United States Environmental Protection Agency. The offender shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person or industrial user violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of the violation. ('83 Code, § 2.8(a), (c))  
(Am. Ord. 2007-7, passed 6-11-07) Penalty, see § 50.999

§ 50.999 PENALTY.

Any person who shall continue any violation beyond the time limit provided for in § 50.76(A), shall be fined in an amount equal to the actual cost and expense incurred. Each day in which any such violation shall continue shall be deemed a separate offense.  
( '83 Code, § 2.8(b)) (Am. Ord. 2007-7, passed 6-11-07)